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November 30, 2023

**VIA ECF**

Honorable Dale E. Ho  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Trustees of the Drywall Tapers and Painters Local Union No. 1974 Benefit Funds,  
et al. v. Astoria Taping, Inc.  
Index No.: 23-CIV-7505 (DEH)

Dear Judge Ho:

I am the attorney for Astoria Taping, Inc, the defendant in the above-referenced matter. I filed a Notice of Appearance today, November 30, 2023. This action arises from an alleged breach of contract for failing to remit contributions and contribution reports and seeks monetary damages as well as equitable relief. Contrary to the Court's assertion in its Order dated 11/30/23, this is not an action to confirm an arbitration award.

I have recently been retained as counsel and have been in communication with counsel for the plaintiffs. We have been working towards a resolution of this matter. As such, I write to respectfully request an extension of time for defendant to answer the Complaint until December 30, 2023. Defendant was served with the Summons and Complaint on August 31, 2023. This is defendant's first request for such an extension. Counsel for plaintiffs does not oppose defendant's request.

In light of the ongoing settlement discussions and the fact that defendant has yet to answer the complaint, I further write to respectfully request a postponement of any Initial Pretrial Conference. An Initial Pretrial Conference was previously scheduled for December 06, 2023 at 10:30 a.m. but was cancelled by the Court by Order dated 11/30/23. Should the Court reinstate an Order for an Initial Pretrial Conference, it is respectfully requested that the conference be scheduled for one of the following three dates or such other date that would be mutually

convenient with the Court: January 23, 2024, January 31, 2024 or February 07, 2024. I will be out of the country from 12/20/23 – 01/18/24. This is defendant's first request for the adjournment of this conference and plaintiffs consent to the adjournment and the proposed dates.

Thank you for your time and attention to these matters.

Respectfully submitted,

  
ANTONETTE M. MILCETIC

cc: Lauren M. Kugielska  
Attorney for Plaintiffs  
(via email)

Application **GRANTED**. Defendant shall answer, move, or otherwise respond to the Complaint by **December 30, 2023**. The initial pre-trial conference is **RESCHEDULED to February 7, 2024, at 10:30 A.M.** The conference will be telephonic. The parties shall join the conference by dialing (646) 453 - 4442 and entering the Conference ID: 677 029 002, followed by the pound sign (#). The parties shall file the required joint status letter and case management plan by **January 31, 2024**. So Ordered.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 12.



Dale E. Ho  
United States District Judge  
December 1, 2023  
New York, New York